

Advocates for Justice
Chartered Attorneys

New York Office
225 Broadway
Suite 1902
New York, New York 10007
p: 212-285-1400
f: 646-219-6569



Arthur Z. Schwartz

Attorney at Law

Admitted in NY, PA and DC

917-923-8136

aschwartz@advocatesny.com

May 29, 2014

Via ECF

Hon. Robert M. Levy
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Silverman v. Pacifica Foundation
11 Civ. 1894 (FB) (RML)
Motion to Strike Answer

Dear Magistrate Levy:

As you are aware, we represent plaintiff in its complaint against Pacifica.

For the same reasons enunciated in Attorney Kossove's letter, we Move to Strike Pacifica's Answer. This case is over three years old and discovery has barely begun. It is clear that defendant has no intention to participate in the Court's process. It has counsel in this case and a General Counsel in California, has discussed the case at Board meetings, and even sent a representative to New York City to discuss settlement. There is no inadvertence here, and this is not a case involving "law office failure."

We disagree with Attorney Kossove in one important respect. We do not move to strike *or* for sanctions. We move to strike *and* for sanctions. My client is an attorney who has not been paid for his work, which he performed six years ago. Sanctions are warranted, but so is the ability to enter judgment and put this matter to rest.

Thank you for your consideration.

Respectfully submitted,



Arthur Z. Schwartz

AZS:dr

cc: Scott E. Kossove, Esq.
Patrick J. Hackett, Esq.
Daniel Silverman, Esq.